

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
64th LEGISLATURE - REGULAR SESSION**

**HOUSE JUDICIARY COMMITTEE**

**Date:** Thursday, January 22, 2015  
**Place:** Capitol

**Time:** 8:00 AM  
**Room:** 137

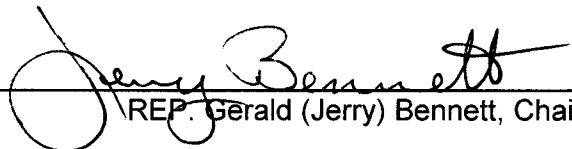
**BILLS and RESOLUTIONS HEARD:**

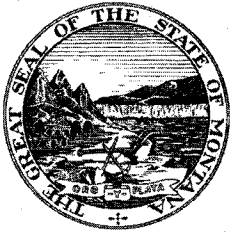
HB 165 - Revise grandparent/grandchild contact laws - Rep. Keith Regier  
HB 171 - Revise trespass laws related to railroads - Rep. David (Doc) Moore  
HB 207 - Prohibiting disclosure of media info from electronic communications services - Rep. Daniel Zolnikov

**EXECUTIVE ACTION TAKEN:**

None

**Comments:**

  
\_\_\_\_\_  
REP. Gerald (Jerry) Bennett, Chair



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

#### ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR	X	
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK	X	
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD		X
REP. ELLIE BOLDMAN HILL	X	
REP. CAROLYN PEASE-LOPEZ		X
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER	X	
REP. JERRY BENNETT, CHAIRMAN	X	<del>X</del>

21 MEMBERS

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Thursday, January 22, 2015**

## HB 171 - Revise trespass laws related to railroads

**Sponsor: Rep. David (Doc) Moore**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Thursday, January 22, 2015**

## HB 165 - Revise grandparent/grandchild contact laws

**Sponsor: Rep. Keith Regier**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Thursday, January 22, 2015**

## HB 207 - Prohibiting disclosure of media info from electronic communications services

Sponsor: **Rep. Daniel Zolnikov**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

Handed in after meeting

**ADDITIONAL  
DOCUMENTS**

EXHIBIT 3

DATE 1/22/15

HB 165

Friends on House Judiciary,

I am writing to share a little more information regarding House Bill 165, allowing grandparent visitation with recommendation of a guardian ad litem (sponsored by Rep. Keith Regier).

After the hearing, Keith and I were made aware of past (failed) efforts to limit the grandparent visitation statute by the Montana state legislature in light of a 2009 United States Supreme Court interpretation of a much broader Washington State statute. Because of this discovery, I consulted some family law lawyers in Montana on their opinion of HB165.

Please see below response from Mars Scott, the former President of the Family Law Division of the Montana State Bar. As you can see, he thinks this is a "good bill". I have also heard preliminary thoughts from a district court judge and another respected family law attorney and they also agree that Keith's proposal is good law and it is a needed addition to our current grandparent visitation statute.

**The bill has my support.**

Best wishes always,  
Ellie

From: **Mars Scott** <[pmarsscott@pmarsscott.com](mailto:pmarsscott@pmarsscott.com)>  
Date: Thu, Jan 22, 2015 at 3:06 PM  
Subject: RE: HB165 Grandparent Contact (Time Sensitive)  
To: Ellie Boldman Hill <[elliehillhd94@gmail.com](mailto:elliehillhd94@gmail.com)>

Ellie,

I think we're okay with the Montana grandparent visitation statute. The Troxell decision was based specifically on a Washington State statute which was "breathhtakingly broad" in that the statute allowed any person, without taking into account an actual parent's concerns, to gain parental rights to a child if they could show that it was in a child's best interest to do so. Nobody has challenged the constitutionality of the Montana grandparent visitation statute. I think HB165 is a good bill. I have had some District Court Judges deny my motions to appoint a GAL in a grandparent visitation case because, in the Judge's opinion, the GALs were not allowed unless they were attorneys. Even though attorneys are trained to be advocates, they are not necessarily well-versed or trained on what may be in a child's best interest. This bill rectifies that problem, and I support it.

Mars

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**Ellie Boldman (Hill) Smith**

**Representative  
House District 90**



**State Director, Young Elected Officials Network  
State Director, WiLL (Women Legislators' Lobby)  
Western Region Democratic Representative, Executive Board, Women's Legislative  
Network, NCSL  
House Judiciary Committee  
House Health and Human Services Committee, Vice Chair  
Interim Committee of Law and Justice  
501 Daly Avenue  
Missoula, Montana 59801  
(406) 218-9608 cell  
[www.elliehillforHD94.com](http://www.elliehillforHD94.com)  
Twitter: @EllieHill  
Facebook: Ellie Boldman Smith**



# Greg Plitt train death was 'preventable,' official says **HB 171**

Anita Bennett, The Wrap 9:29 a.m. EST January 21, 2015

*Rail Road Bill*  
**ADDITIONAL  
DOCUMENTS**



(Photo: Photo by AP)

As Burbank police analyze surveillance footage recorded from the commuter train that struck and killed Bravo *Work Out* star Greg Plitt Jr, a spokesman for Metrolink rail company says the accident did not have to happen.

"While our hearts go out to (Plitt's) family, this was very, very preventable," Metrolink spokesman Jeff Lustgarten told The Wrap. "Had the proper channels been followed, this would not have happened."



USA TODAY

Greg Plitt did not have permit to film on track

(<http://www.usatoday.com/story/life/tv/2015/01/20/greg-plitt-did-not-have-permit-to-film-on-track-where-killed-friend-says/22038309/>)

Lustgarten said Plitt, 37, was not authorized to be on the train tracks Saturday afternoon near Burbank Metrolink Station, where he was filming a video.

His friends have said he was shooting a fitness video for his website on tracks where he has filmed before.



THEWRAP

Bravo Star Greg Plitt Was Filming on Tracks Without Permit When Killed by Train

(<http://www.thewrap.com/bravo-star-greg-plitt-was-filming-on-tracks-without-permit-when-killed-by-train/>)

The Associated Press reported that Plitt was running on the tracks ahead of the train before he was struck, according to Burbank investigators who saw the video from a camera atop the train.

"The conductor can see somebody on the tracks a distance away," Burbank police Officer Joshua Kendrick said. The conductor was braking and using the horn, "and for one reason or another, unfortunately, Mr. Plitt did not get off the tracks."

Police have previously said the former Army Ranger and Calvin Klein model was accompanied by two other individuals, one of whom was filming the fitness guru.

As part of their investigation, the Burbank police are reviewing the surveillance footage handed over by Metrolink.

Plitt "was running on the tracks and did not respond to a horn blast," Kendrick told The Wrap. "We're unable to determine if he fell because of the angle of the video."

Warren Coulter, a friend of Plitt's of 15 years, told the *Los Angeles Times*, "He just made a mistake."

Coulter said he talked to the crew members who were at the scene, and they told him Plitt was attempting to get action shots, possibly playing off of the old Superman expression that the superhero is "more powerful than a locomotive."



THEWRAP

Sarah Jones' Family Reaches Settlement in 'Midnight Rider' Civil Case

(<http://www.thewrap.com/sarah-jones-family-reaches-settlement-in-midnight-rider-civil-case/>)

While the investigation into his death continues, Plitt's family is planning a public memorial. The service will be held at a church in Beverly Hills on Saturday at 2 p.m. Another service is scheduled for next week in his hometown of Baltimore.



"We are devastated over the loss of our son," Plitt's family posted on his [website \(http://gregplitt.com/\)](http://gregplitt.com/). "Your messages have uplifted us and give us strength. We thank you for that. Greg's soul is now with our heavenly Father. May his spirit live on through his website and through each of you."

Plitt recently shot several episodes for a new Bravo series called *Friends to Lovers*, and is scheduled to make his first appearance on an episode that will air in about six weeks.

On his website, the fitness guru can be seen in workout videos shot along the same stretch of tracks where he died.



[THEWRAP](http://thewrap.com)

[ABC Denies Manipulating 'Midnight Rider' Train Footage for '20/20'](http://www.thewrap.com/abc-denies-manipulating-midnight-rider-train-footage-for-20/20/)

[\(http://www.thewrap.com/abc-denies-manipulating-midnight-rider-train-footage-for-20/20/\)](http://www.thewrap.com/abc-denies-manipulating-midnight-rider-train-footage-for-20/20/)

Lustgarten told The Wrap that Plitt "did not have permission to shoot those videos" or the one the actor was working on Saturday.

"When a permit is filed, we normally assign a flagman to the shoot." The flagman knows Metrolink's train schedules, communicates with operations and lets the film crew know if a train is coming.

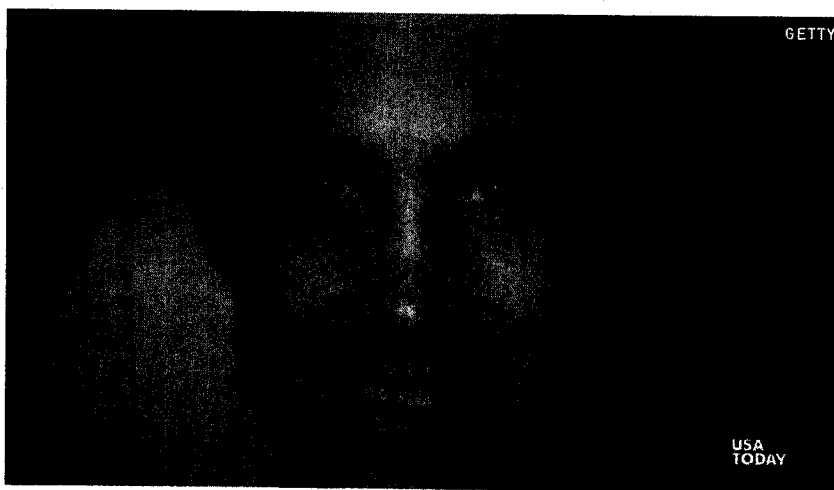
However, Lustgarten said none of that happened.

"This was an unauthorized shoot," he continued. When asked if he was certain that a permit request had not been submitted for the weekend shoot, Lustgarten added, "We've double and triple-checked."

The Metrolink spokesman also said that the train's engineer and conductor have been placed on administrative leave.

"Whenever there's an incident like this, we automatically take the crew out of commission for an unspecified amount of time," Lustgarten said. "They are undergoing trauma counseling."

Contributing: City News Service



Burbank Police confirmed to CBS Los Angeles Sunday that Greg Plitt was with a film crew on the Metrolink train tracks when he was hit and killed by a train. The West Point graduate was a well-known fitness model and reality TV star. VPC

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